

### **REMARKS**

Claims 75-90 and 92-109 are now pending in the application. By this paper, Claims 75-78, 80, 82, 89, 90, 92-95, 97, 99, 106, and 107 have been amended, Claims 108 and 109 have been added, and Claims 74 and 91 have been cancelled without prejudice or disclaimer of the subject matter contained therein. The basis for these amendments and new claims can be found throughout the specification, claims, and drawings originally filed. No new matter has been added. The preceding amendments and the following remarks are believed to be fully responsive to the outstanding Office Action and are believed to place the application in condition for allowance. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

### **REJECTION UNDER 35 U.S.C. § 112**

Claims 74-107 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Examiner asserts that the specification does not disclose "a diagnostic device operable to diagnose a fault condition based on a moving window time average of said compressor operating in said ON condition when said motor protector restricts power to said motor," as recited in claims 74-107. This rejection is respectfully traversed.

Applicants respectfully submit that this rejection is moot with respect to Claims 74 and 91, as Claims 74 and 91 have been cancelled without prejudice or disclaimer of the subject matter contained therein. Because Claims 75-90 and 92-107 respectively depend from Claims 74 and 91, Applicants respectfully submit that this rejection is

similarly moot with respect to Claims 75-90 and 92-107. Accordingly, reconsideration and withdrawal of the rejections is respectfully requested.

#### **NEW CLAIMS**

New independent Claims 108 and 109 are added for consideration. Support for new Claims 108 and 109 can be found in the specification as filed at Paragraphs [0043] and [0044]. Because new Claims 108 and 109 are adequately supported by the application as filed, Applicants respectfully submit that Claims 108 and 109, as well as Claims 75-90 and 92-107, respectively dependent therefrom, are in condition for allowance.

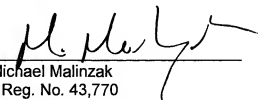
#### **CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner

believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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By:   
Michael Malinzak  
Reg. No. 43,770  
Matthew H. Szalach  
Reg. No. 53,665

HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. Box 828  
Bloomfield Hills, Michigan 48303  
(248) 641-1600

MM/MHS/ca